

REMARKS

In the Office Action of November 19, 2003, the Examiner rejected claims 1-16, 21 and 23 under 35 USC 101 and further rejected all of the claims of the present application under 35 USC 103. Applicant believes the present amendment defines the claims so as to be in conformance with 35 USC 101 and to overcome the references of record.

THE PRESENT INVENTION

The present invention simplifies the reservation process for users of recreational facilities by providing multiple users simultaneous access to reservation information for multiple facilities. The present invention also facilitates reservation filling for recreational facilities by exposing would-be participants to available reservations at multiple facilities in menu-like format, as opposed to merely providing available reservation information for a single facility at a time. Once a user has reviewed available reservations, the present invention allows him or her to select a reservation and proceed to notify potential event partners. The user is thus provided with a wealth of options when selecting a facility and partners for an event. In one embodiment, the user can send notifications to potential partners and wait for a confirming response before booking a reservation. This helps the user, as well as the facility, avoid booking a reservation only to later cancel it. In another embodiment, the user can notify more partners than there are available slots. This facilitates the user's ease of filling a reservation, in that the user does not need to notify additional individuals upon learning of the unavailability of one or more individuals.

35 USC 101

By the present Amendment, Applicant has added language to independent claims 1 and 21 that indicate that the invention is carried out in the technological arts through the use of a computer. It is submitted that the claims as presently amended recite statutory subject matter and are thus in full compliance with 35 USC 101.

35 USC 103

By the present amendment, claims 1, 11, 13, 14, 17, 18 and 20 through 23 have been amended, and claims 10 and 12 have been canceled. No new matter is believed to have been added. Reconsideration of this application as amended is respectfully requested.

By the present Amendment, claim 1 has been amended to recite that the present invention receives acceptance information from at least one other participant and, after receiving the acceptance information, receives instructions from the first participant to book a reservation for the time and date and facility connected with the selection option. In this way, the user and the facility can avoid the "reserve" and "cancel" cycles associated with users who book reservations without knowing whether additional participants would accept an invitation. Similar language to that added in claim 1 appeared in original claim 12. The Examiner had rejected claim 12 under the combination of Davies, Durand, Teemaster and Zhang references. Specifically, the Examiner stated on page 10 of the Office Action that Davies discloses the method step of receiving

instructions from the first participant to book a reservation, and that Zhang discloses receiving acceptance information from at least one other participant.

However, neither Davies nor Zhang, or any of the other references of record, teaches or discloses the first participant receiving acceptance information *before* booking the reservation, as claimed in claim 1 as currently amended. Additionally, the Office Action does not allege that the prior art discloses or suggests this temporal relationship. Davies is quite clear in that the user pre-programs the device in Davies with specific desired reservation information to be made effective depending upon whether the desired time and date are available (col. 4, lines 20-30). It would run counter to the logic of the Davies system for it to be able to receive reservation acceptance information from an additional user *prior to* the booking of a reservation, because the reservation in Davies is immediately booked once it is determined available.

While the Examiner cites the Zhang reference for the proposition of receiving acceptance information from another participant, Zhang does not teach receiving instructions from the first participant to book a reservation at a facility *after* receiving acceptance information from the additional user. Instead, Zhang teaches that a resource, such as a board room, receives an invitation like any other user, and can reply as to its availability at the same time as the invited individuals. Such a system is consistent with the group scheduling function to which Zhang relates, but does not teach or suggest receiving acceptance information from the additional participants *prior to* receiving instructions from the first participant using a client computer to book a reservation. Zhang effectively teaches against this by proposing a system that includes

resources as invitees like any other user. Applicant thus submits that claim 1 as presently amended is not obvious in view of the cited references and is further allowable over the references of record.

Claims 11, 13 and 14 have been amended to reflect proper dependency from claim 1 as amended.

Further by the present Amendment, claims 17, 18 and 21 have been amended to recite elements of the embodiment of the present invention whereby the reservation has a determined number of available slots for additional individuals to join, and whereby the number of additional individuals notified of the reservation is greater than the number of available slots. Support for these amendments can be found, for example, on pages 8 through 11 of the specification as filed. This claimed embodiment provides a number of benefits. For example, the user making the reservation can filter the acceptances to determine those accepting individuals with whom he or she would most like to join in the reservation. As another example, the user need not actively monitor acceptances or rejections from a first notified group, and then send additional notifications to other individuals. This embodiment contributes to the overall control and ease of reservation filling for the user, and to the improved operation of the facility where the reservation is made.

None of the cited references are concerned with sending out more invitations than there are available slots in a reservation. Further, when considering the claims as a whole, none of the cited references teach or suggest, singly or in combination, the steps of providing simultaneous access to a plurality of participants to reservation information for a plurality of facilities, receiving a non-facility specific request, transmitting at least one selection option based on the request, with the selection option having a number of openings available, and then notifying a number of individuals of the selection, said number of individuals being greater than said number of available openings. When applying 35 USC 103, the claimed invention must be considered as a whole, and the references must suggest the desirability of making the claimed combination. Applicant submits that none of the prior art references of record, taken singly or in combination, teaches or suggests the claimed invention as presently claimed in claims 17, 18 and 21.

Accordingly, Applicant submits that the claims as amended are not shown or made obvious by any of the references of record, and are thus allowable over the cited references. The remaining claims are dependent upon one of the amended independent claims and it is submitted that these dependent claims are similarly allowable over the cited references. An early notice to that effect is earnestly solicited.

Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the present application, the Examiner is invited to contact the Applicant at the address and phone number provided below.

Respectfully submitted,

A handwritten signature in cursive script that reads "Thomas F. Bergert". The signature is written in black ink and is positioned above the printed name and title.

THOMAS F. BERGERT
Applicant

Thomas F. Bergert, Esq.
4436 N. 17th Street
Arlington, VA 22207
Tel. No.: 703.627.9903

Filed: February 17, 2004